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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2013-442

12 **MARTHA JANE MILLER, AKA**
13 **MARTHA RONNING MILLER, AKA**
MARTHA JANE RONNING
14 819 East Park Street
Carlise, AR 72024

A C C U S A T I O N

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16 Registered Nurse License No. 438319

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18 Respondent.
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20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about March 31, 1989, the Board of Registered Nursing issued Registered
26 Nurse License Number 438319 to Martha Jane Miller, aka Martha Ronning Miller, aka Martha
27 Jane Ronning (Respondent). The Registered Nurse License expired on December 31, 2010, and
28 has not been renewed.

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1 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
2 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
3 section."

4 8. Health and Safety Code section 11173 states:

5 "(a) No person shall obtain or attempt to obtain controlled substances, or procure or
6 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
7 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

8 "(b) No person shall make a false statement in any prescription, order, report, or
9 record, required by this division."

10 9. Health and Safety Code section 11350 states:

11 "Except as otherwise provided in this division, every person who possesses (1) any
12 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
13 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
14 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
15 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
16 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
17 licensed to practice in this state, shall be punished by imprisonment in the state prison."

18 10. Health and Safety Code section 11371.1 states:

19 "Any person who shall knowingly violate any of the provisions of Section 11173 or
20 11174 with respect to (1) a controlled substance specified in subdivision (b), (c), or (d) of Section
21 11055, or (2) a controlled substance specified in paragraph (1) of subdivision (b) of Section
22 11056, or (3) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V,
23 or who in any voluntary manner solicits, induces, encourages or intimidates any minor with the
24 intent that such minor shall commit any such offense, shall be punished by imprisonment in the
25 state prison, or in a county jail not exceeding one year."

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1 11. CONTROLLED SUBSTANCE

2 A. "Dilaudid," is a Schedule II controlled substance as designated by Health and
3 Safety Code section 11055(b)(1)(K) and is categorized as a "dangerous drug" pursuant to
4 Business and Professions Code section 4022.

5 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
9 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
10 included in a stipulated settlement.

11 FACTUAL BACKGROUND

12 13. On or about August 12, 2009, Respondent administered 2mg of Dilaudid to a patient
13 without a doctor's order, and then falsified the chart of that same patient by indicating that a
14 verbal order from a doctor had been given. Respondent then called the doctor whose name
15 Respondent had used for purposes of that same falsified verbal order and requested that this same
16 doctor "cover" her for having committed this unauthorized act. Respondent subsequently
17 admitted she committed each of the acts as set forth above in this same paragraph.

18 FIRST CAUSE FOR DISCIPLINE

19 (Falsified Hospital Records)

20 14. Respondent's license is subject to disciplinary action under Code section 2761,
21 subdivisions (a) and (d), on the grounds of unprofessional conduct, as defined under Code section
22 2762, subdivision (e), for violating Health and Safety Code sections 11350, and 11173,
23 subdivisions (a) and (b), in that while employed as a registered nurse at Arrowhead Regional
24 Medical Center (ARMC) in Colton, California, Respondent falsified, made grossly incorrect,
25 grossly inconsistent, or unintelligible entries in hospital and patient records pertaining to
26 controlled substances and dangerous drugs. Complainant refers to, and by this reference
27 incorporates the allegations in paragraph 13, as though set forth fully.

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